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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
ZHOU, TING	
ART UNIT	**PAPER NUMBER**
2173	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/976,806	THEEL ET AL.	
	Examiner	Art Unit	
	Ting Zhou	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 September 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed on 13 September 2004 have been received and entered. Claims 1-42 are pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-9, 11, 13-14, 16-18, 20-23, 25-27, 29-32, 34-39 and 41-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Spencer et al. U.S. Patent 5,603,021.

Referring to claims 1 and 31, Spencer et al. teach a computer implemented graphical user interface and method comprising a first window for displaying selectable information in a hierarchical list format comprising recipe names and recipe contents (formula outline pane of the Formula Composer provides an outline view of the current formula, or recipe name, comprising expandable and collapsible sub-expressions, or recipe contents; for example, as shown in Figure 4B, the left hand pane displays a hierarchical outline of the formula name and contents) (column 3, lines 54-61 and column 13, lines 6-35); a second window for displaying summary information regarding a selected recipe of the first window (for example, as shown in Figure 4A, the right hand side of the Formula Expert displays summary information 413 and 414) (column 4, lines 1-16 and column 13, lines 6-22), the second window comprising a first button (the Formula

Composer comprises buttons such as the "@" field for inserting functions) (Figure 4A and 4B); and a third window displayed in response to activation of the first button and comprising detail information regarding the selected recipe of the first window (upon selection of a recipe, for example, "@MOD()", and therefore, activation of the second button via changing the value of the function input "@" field, a Formula Expert window 423 is displayed, as shown on Figure 4B, displaying detailed information of the selected recipe, or function) (column 4, lines 17-33 and column 12, line 11 – column 16, line 25), the third window comprising a plurality of display portions for editing routing and formula contents of the selected recipe (for example, as shown in Figure 4B, the Formula Expert 423 comprises display portions 424 for editing formula contents such as the X and Y values) (column 3, line 41 – column 4, line 33 and column 12, line 55 – column 13, line 35).

Referring to claim 22, Spencer et al. teach a computer implemented graphical user interface comprising a list window for displaying selectable information in a hierarchical list format comprising recipe names and recipe contents of recipes (formula outline pane of the Formula Composer provides an outline view of the current formula, or recipe name, comprising expandable and collapsible sub-expressions, or recipe contents; for example, as shown in Figure 4B, the left hand pane displays a hierarchical outline of the formula name and contents) (column 3, lines 54-61 and column 13, lines 6-35); and a detail window displayed in response to activation of a first button and for displaying detail information regarding a selected recipe of the list window (in response to activation of a first button, i.e. selection of a folder icon item of the recipe, or formula, the right pane displays detailed information regarding the selected recipe, or formula) (column 3, line 40 – column 4, line 26, column 12, line 55 - column 14, line 35 and

Figure 4B), the detail window comprising a plurality of windows for editing routing and formula contents of the selected recipe (users can edit the formula contents and item relationships via editing the formula input fields) (column 4, lines 1-26, column 12, lines 11-35 and column 13, lines 34-67), the plurality of windows comprising a header window comprising a name of the selected recipe (such as "@MOD(12,5)"), an associated routing name and an associated formula name (such as "@MOD-Modulus (remainder)" and associated formula description and content) (column 12, line 37 – column 13, line 5 and Figures 3E and 4B); and a routing editor window comprising line items representing operations of the routing contents (displaying portions of a formula to be edited; for example, the displayed editor window 424 shown in Figure 4B can be used to display and edit the input field line items such as the X and Y values of "12" and "5" of the formula content) (column 13, lines 14-58, column 14, line 57 – column 15, line 3, column 21, lines 63-67 and Figure 4N).

Referring to claims 2, 23 and 32, Spencer et al. teach the hierarchical list format is a tree structure comprising project names, organization names, the recipe names, formula names and routing names (for example, as shown in Figure 4B, Formula Outline Pane is a hierarchical tree structure comprising various recipe information such the name of the window, "Formula Expert –E3", function names, expressions names and the contents of the formulas) (column 5, lines 19-22 and column 23, lines 20-25 and Figures 4A-4O).

Referring to claims 4 and 34, Spencer et al. teach the plurality of display portions comprise a routing editor window comprising line items, for display and editing, the line items representing operations of the routing contents of the selected recipe (various displayed portions of the formula can be edited; for example, the displayed editor window 424 shown in Figure 4B

can be used to display and edit the input field line items such as the X and Y values of "12" and "5" of the formula content) (column 13, lines 14-58, column 14, line 57 – column 15, line 3, column 21, lines 63-67 and Figure 4N).

Referring to claims 5, 9, 25, 29-30, 35 and 39, Spencer et al. teach the routing editor window, containing a throughput window comprising throughput information for line items of the routing editor window (the display of formula expressions and components include the display of throughput information, or the output value), being tab activated (column 8, lines 30-38 and column 12, lines 55-62 and Figures 3A-3D).

Referring to claims 6, 26 and 36, Spencer et al. teach each of the line items comprise an operation name and a repeat quantity (as shown in Figure 4B, the functions of the formulas comprises an operation name such as "@MOD" and a repeat quantity such as the numeric value "(12,5)" for the function) (column 12, line 55 – column 13, line 35).

Referring to claims 7, 27 and 37, Spencer et al. teach a second button that, when activated, displays a formula window comprising formula contents corresponding to a selected line item of the routing editor window, the formula contents for display and editing (when the user activates the display of the function, or formula window by selecting a function from the function dialog and pressing the okay button, the corresponding selected function can be displayed and edited) (column 12, lines 11-35 and Figures 3A-3D).

Referring to claims 8 and 38, Spencer et al. teach a throughput window comprising throughput information for line items of the routing editor window (displaying the output of the selected recipe, or formula, such as the value of "2" shown by 426 in Figure 4B) (column 13, lines 22-35).

Referring to claims 11 and 41, Spencer et al. teach a header display portion comprising hierarchical organization information (such as the hierarchical list of functions and formula components), a name of the selected recipe (such as "@MOD(12,5)"), an associated routing name and an associated formula name (such as "@MOD-Modulus (remainder)" and associated formula description and content) (column 12, line 37 – column 13, line 5 and Figures 3E and 4B).

Referring to claim 13, Spencer et al. teach a right mouse menu displayed in response to activating the right button on a pointing device, wherein the menu comprises a contextual menu that gives access to standard functions and specific options based on the selected recipe (upon user selection of the right mouse button on a part of the formula outline, a context-sensitive menu giving access to various commands is displayed) (column 14, lines 14-56 and Figure 4F).

Referring to claim 14, Spencer et al. teach a recipe window, wherein the recipe creation window is operable to edit product number and product quantity (upon selection of the formula composer button, users can create and revise formulas via editing the formula values and names) (column 11, lines 23-48).

Referring to claim 16, Spencer et al. teach a throughput editor window wherein the throughput editor window is operable to edit line items relating to resources defined for the throughput (the sub-expression edit fields allow users to edit line items for resources such as functions and X and Y values) (column 3, line 41-column 4, line 27 and column 11, lines 23-48).

Referring to claim 17, Spencer et al. teach a routing details window operable to edit detailed information on a routing (editing detailed formula information such as functions and values) (column 3, line 41-column 4, line 27).

Referring to claim 18, Spencer et al. teach a recipe validity rules selection window, wherein the recipe validity rules selection window is operable to edit validity rules (users can edit the validity rules, or functions selected, by displaying the Functions window in Figure 4G) (column 14, lines 57-67).

Referring to claim 20, Spencer et al. teach a recipe type maintenance window operable to edit routing type associations (for example, the template radio buttons 494 and 495 aid in entry of the correct routing type associations, or type of input, such as the input type of on a monthly basis) (column 10, lines 4049 and column 16, lines 1-25 and Figure 4M).

Referring to claim 21, Spencer et al. teach a formula components window operable to edit formula components, the formula components comprising product name and product quantity (users can edit expression components, or content, such as the function names and X and Y values) (column 3, line 41-column 4, line 27 and column 11, lines 23-48).

Referring to claim 42, Spencer et al. teach a system comprising a processor coupled to a bus (CPU 101) (column 5, line 50 – column 6, line 33 and Figure 1A); a display coupled to the bus, for displaying graphical text and images to a user (display device 106) (column 5, line 50 – column 6, line 33 and Figure 1A); and a memory coupled to the bus and wherein the memory contains instructions that when executed implement a method for managing recipe information (main memory 102) (column 5, line 50 – column 6, line 33 and Figure 1A), the method comprising the steps of: selecting a selected recipe from a displayed hierarchical list of a first window, the list comprising recipe names and recipe contents (formula outline pane of the Formula Composer provides an outline view of the current formula, or recipe name, comprising expandable and collapsible sub-expressions, or recipe contents; for example, as shown in Figure

4B, the left hand pane displays a hierarchical outline of the formula name and contents) (column 3, lines 54-61 and column 13, lines 6-35); in response to the selecting, displaying a second window comprising summary information regarding the selected recipe (for example, as shown in Figure 4A, the right hand side of the Formula Expert displays summary information 413 and 414) (column 4, lines 1-16 and column 13, lines 6-22), the second window comprising a first button (the Formula Composer comprises buttons such as the "@" field for inserting functions) (Figure 4A and 4B); and displaying a third window in response to activation of the first button, the third window comprising detail information regarding the selected recipe (upon selection of a recipe, for example, "@MOD()", and therefore, activation of the second button via changing the value of the function input "@" field, a Formula Expert window 423 is displayed, as shown on Figure 4B, displaying detailed information of the selected recipe, or function) (column 4, lines 17-33 and column 12, line 11 – column 16, line 25), the third window comprising a plurality of display portions for editing routing and formula contents of the selected recipe (for example, as shown in Figure 4B, the Formula Expert 423 comprises display portions 424 for editing formula contents such as the X and Y values) (column 3, line 41 – column 4, line 33 and column 12, line 55 – column 13, line 35).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 3, 12, 15, 19, 24 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer et al. U.S. Patent 5,603,021, as applied to claims 1, 22 and 31 above, and http://web.archive.org/web/20000609155904/http://allrecipes.com/, publication date June, 2000.

Referring to claims 3, 24 and 33, Spencer et al. teach all of the limitations as applied to claims 1, 22 and 31 above. However, Spencer et al. fail to explicitly teach the display comprises laboratory name, product name and owner name. Allrecipes teaches an interface for displaying recipe information (Allrecipes: Screenshot 2) similar to that of Spencer et al. In addition, Allrecipes further teaches the display comprises laboratory name (such as "allrecipes.com"), product name (such as "Alaskan Snow Pie") and owner name (person who submitted the recipe, i.e. Carolyn) (Allrecipes: Screenshot 3). It would have been obvious to one of ordinary skill in the art, having the teachings of Spencer et al. and Allrecipes before him at the time the invention was made, to modify the interface for displaying recipe information of Spencer et al. to include the display of the information taught by Allrecipes. One would have been motivated to make such as a combination in order to obtain, display and convey to the user a variety of different information regarding the selected recipe, allowing them to easily and efficiently maintain a plurality of recipes.

Referring to claim 12, Spencer et al. teach all of the limitations as applied to claim 1 above. However, Spencer et al. fail to explicitly teach a search tool operable to enable a search function to search for recipes. Allrecipes teaches an interface for displaying recipe information (Allrecipes: Screenshot 2) similar to that of Spencer et al. In addition, Allrecipes further teaches a search tool operable to enable a search function to search for recipes (Allrecipes: Screenshot 4).

It would have been obvious to one of ordinary skill in the art, having the teachings of Spencer et al. and Allrecipes before him at the time the invention was made, to modify the interface for displaying recipe information of Spencer et al. to include the search tool taught by Allrecipes. One would have been motivated to make such as a combination in order to save users time by allowing them to quickly and easily find desired and relevant information.

Referring to claim 15, Spencer et al. teach all of the limitations as applied to claim 1 above. However, Spencer et al. fail to explicitly teach a recipe quantity window operable to edit items comprising recipe description, recipe type, activity factor and capacity. Allrecipes teaches an interface for displaying recipe information (Allrecipes: Screenshot 2) similar to that of Spencer et al. In addition, Allrecipes further teaches a recipe quantity window operable to edit items comprising recipe description, recipe type, activity factor and capacity (users can share and exchange recipes via the window shown in Screenshot 5, which allows users to edit, or enter item information such as a description of the recipe, the recipe type, such as the category of the recipe and also its title, activity factors such as preparation time and cook time and capacity such as the serving yield) (Allrecipes: Screenshot 5). It would have been obvious to one of ordinary skill in the art, having the teachings of Spencer et al. and Allrecipes before him at the time the invention was made, to modify the interface for displaying recipe information of Spencer et al. to include the recipe quantity window taught by Allrecipes. One would have been motivated to make such as a combination in order to obtain, display and convey a variety of different information regarding recipes to the user, allowing them to easily and efficiently maintain a plurality of recipes.

Referring to claim 19, Spencer et al. teach all of the limitations as applied to claim 1 above. Furthermore, Spencer et al. teach a recipe validity rules window being operable to edit the from/to date (editing the date and time by using the @NOW function) (Spencer et al.: column 9, lines 47-51). However, Spencer et al. fail to explicitly teach a recipe validity rules maintenance window operable to edit formula use and min/max quantity. Allrecipes teaches an interface for displaying recipe information (Allrecipes: Screenshot 2) similar to that of Spencer et al. In addition, Allrecipes further teaches a recipe validity rules maintenance window operable to edit formula use and min/max quantity (the window shown in Screenshot 5 allows users to edit, or enter item information such as formula use, or a description of the recipe and the category of the recipe, and the min/max value, for example, 4-6 servings) (Allrecipes: Screenshot 5). It would have been obvious to one of ordinary skill in the art, having the teachings of Spencer et al. and Allrecipes before him at the time the invention was made, to modify the interface for displaying a window for editing the from/to date of Spencer et al. to include the window for editing formula use and min/max value, taught by Allrecipes. One would have been motivated to make such as a combination in order to obtain, display and convey a variety of different information regarding recipes to the user, allowing them to easily and efficiently maintain a plurality of recipes.

4. Claims 10, 28 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer et al. U.S. Patent 5,603,021, as applied to claims 1, 22 and 31 above, and Ishikawa U.S. Patent 6,281,900.

Referring to claims 10, 28 and 40, Spencer et al. teach all of the limitations as applied to claims 1, 22 and 31 above. Specifically, Spencer et al. teach display portions for editing routing and formula contents (editing detailed formula information such as functions and values) (Spencer et al.: column 3, line 41-column 4, line 27). However, allrecipe.com fails to explicitly teach a graphical flow diagram representing operations of the routing contents of the selected recipe. Ishikawa teaches an interface for displaying routing information, i.e. the relationship between displayed nodes (Ishikawa: column 3,lines 30-33 and further recited in the Abstract) similar to that of Spencer et al. In addition, Ishikawa further teaches a graphical flow diagram representing operations of the routing contents of the selected formula (window shown by reference character "736" in Figure 7) (Ishikawa: column 4, lines 57-60 and column 13, lines 32-36). It would have been obvious to one of ordinary skill in the art, having the teachings of Spencer et al. and Ishikawa before him at the time the invention was made, to modify the interface of Spencer et al. to include the flow diagram taught by Ishikawa. One would have been motivated to make such a combination in order to allow users to easily and rapidly visualize the relationship between items and the results of the editing function.

Response to Arguments

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

6. As a result of applicant's argument that the previous rejection dated 7 June 2004 did not establish a publication date for Allrecipes and consequently failing to meet the statutory

requirement for rejection, the examiner has presently used and included screenshots of Allrecipes from the version published and widely used by the public in June of 2000 (specifically 9 June 2000), prior to the 13 October 2000 priority date of the present application, as obtained from the web archive, http://www.waybackmachine.org. Therefore, the examiner has now established the publication date for Allrecipes and met the statutory requirement for rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 8:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-4058.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4 January 2004

JOHN CABECA
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